



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,473	10/03/2003	Akira Sekiguchi	402812	8505

23548 7590 06/13/2005

LEYDIG VOIT & MAYER, LTD
700 THIRTEENTH ST. NW
SUITE 300
WASHINGTON, DC 20005-3960

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Non-Responsive Amendment

1. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 5/25/2005. The submission, however, is not fully responsive to the prior Office action because it attempts to shift inventions see below. Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period for reply supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

Applicant is directed to MPEP 819 first paragraph, which states the applicant cannot, as a matter of right, file a request for continued examination (RCE) to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined.

Election/Restrictions

2. This application contains claims directed to the following patentably distinct species of the claimed invention:

- | | |
|--------------|---|
| Species I: | Embodiment 1 shown in figures 9-14 where the distribution at the outgoing plane of the lamp front glass is uniform. |
| Species II: | Embodiment 2 shown in figure 15 and 16 where the distribution at the outgoing plane of the lamp front glass is weighted (it is different close to the optical axis and remote from it). |
| Species III: | Embodiment 3 shown in figure 17 and explained starting on page 32 of the specification. |
| Species IV: | Embodiment 4 shown in figure 20 where the display device is a DMD chip. |

Should applicant traverse the election/restriction on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Art Unit: 2851

3. Newly amended claim 1 (2-8 due to their dependency on claim 1) is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 1 now includes the limitation that the divergence angles at the surface of the lamp front glass are smaller near the optical axis and are larger at locations farther from the optical axis which corresponds to species II (also as acknowledged by applicant in applicant's arguments received on 5/25/2005 the new language of claim 1 corresponds to figure 15 where as the claims as originally presented corresponded to figure 14 which is part of species I.)

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-8 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

(Even though some of the claims 2-8 correspond to species I, since they are dependent on claim 1, they now also include species II. The fact that these claims are self contradictory and including the originally elected species does not eliminate them from being withdrawn for now including species II.)

4. The amendment filed on 5/25/2005 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because claim 1 as originally presented has been amended to shift to species II from the original species I.

Art Unit: 2851

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Sever whose telephone number is 571-272-2128. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS.

A handwritten signature in black ink, appearing to read 'Judy Nguyen', is positioned above the printed name and title.

JUDY NGUYEN
SUPERVISORY PATENT EXAMINER